# ATTACHMENT 51

### Case 3:21-cv-03496-AMO Document 230-1 Filed 05/17/24 Page 2 of 5 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

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1
                       UNITED STATES DISTRICT COURT
 2
                  FOR THE NORTHERN DISTRICT OF CALIFORNIA
 3
                             SAN FRANCISCO DIVISION
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                                     )
        SURGICAL INSTRUMENT SERVICE )
        COMPANY, INC.,
 8
                                     )
                                     )
9
               Plaintiff,
                                     ) Case No. 3:21-cv-03496-VC
10
             vs.
11
        INTUITIVE SURGICAL, INC.,
12
13
              Defendant.
14
15
16
        HIGHLY CONFIDENTIAL, ATTORNEYS' EYES ONLY DEPOSITION OF:
17
                         KURT HUMPHREY
                         WEDNESDAY, MARCH 15, 2023
18
19
                         10:25 A.M. (MST)
20
21
22
23
24
        Reported by: GINA M. CLOUD
25
                       CSR No. 6315
                                                            Page 1
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1	straightforward, and maybe I should say the	1	protections that the unique I.D. doesn't provide,
2	programing of a CryptoRF chip should be	2	correct?
3	straightforward. Maybe that should be expanded to	3	A. Assuming you can't rewrite over it, I
4	programmable, not just reprogrammable.	4	believe that would be true.
5	Q. Go ahead. 15:33:03	5	Q. I believe you said something earlier in one 15:37:36
6	A. I'm looking for another reference here. If	6	of your answers about programing the CryptoRF chip
7	you look at page 20 from my opening report.	7	after the image has been extracted, right? Do you
8	Q. What should I be looking at there?	8	recall talking about programing of the RF chip being
9	A. Paragraph 49, an excerpt from the e-mail	9	a simple process?
10	anyway the excerpt from the e-mail says: "The unique 15:34:42	10	A. Yes. 15:38:09
11	ID doesn't prevent reprocessors from putting lives	11	Q. Is programing a software function?
12	back on our instruments. In principle, you could	12	A. It's both a soft and hardware function.
13	copy the blob of data off a new instrument, then put	13	Q. Is programing something that you do, or does
14	the same blob of data back on once it's expired, and	14	that fall under the category of you rely on someone
15	it will be good as new. I believe the Dallas 15:35:02	15	else on your team to do the programing in reverse 15:38:31
16	implementation uses 'write once' region in the tag to	16	engineering processes?
17	ensure the decremented lives stay decremented."	17	A. I probably rely on someone else to actually
18	So this is an excerpt from an Intuitive	18	generate the file to be programmed, but certainly the
19	e-mail that basically alerts those in the design	19	hardware to program the chip, I can certainly operate
20	in the engineering community of the potential to just 15:35:28	20	that. 15:38:55
21	again reprogram or program a same chip with the	21	Q. You can operate the hardware?
22	extracted image and make it appear like a new	22	A. The programmer for the chip, yes.
23		23	Q. You would rely on someone else on your team
23	instrument.	24	
	Q. Do you think that an internal Intuitive		to program the software, though?
25	e-mail alerts the engineering community to something? 15:35:52 Page 134	25	A. I don't understand your question. 15:39:16 Page 136
			-
1	MR. VAN HOVEN: Objection to form.	1	Q. When was the last time that you programmed a
2	THE WITNESS: I'm sorry. Can you repeat the	2	chip personally?
3	question.	3	A. Programmed a chip for, last word?
4	BY MS. CAHOY:	4	Q. Personally.
5	Q. I said you think an internal Intuitive 15:35:59	5	A. It's probably been five, six years ago. 15:39:44
6	e-mail alerts the engineering community to something?	6	Q. You have someone else on your team that you
7	MR. VAN HOVEN: Objection to form.	7	look to to do the programing of chips?
8	BY MS. CAHOY:	8	A. No, not necessarily. But this isn't
9	Q. I'm just asking about what you said in your	9	something that we do on a regular basis. We don't
10	answer about basically this e-mail alerts those in 15:36:15	10	program nonvolatile memories on a regular basis. 15:40:22
11	the design and the engineering community.	11	That's probably an unusual thing for us to do.
12	A. I believe that's who it was addressed to. I	12	Q. Who is the "we" in that response? Who are
13			
	believe it's addressed to the design team.	13	you referring to when you say "we"?
14	believe it's addressed to the design team.  Q. The design team at Intuitive?	13	you referring to when you say "we"?  A. Me and my subject matter experts. My team
14 15	_		
	Q. The design team at Intuitive?	14	A. Me and my subject matter experts. My team
15	<ul><li>Q. The design team at Intuitive?</li><li>A. Yes. 15:36:31</li></ul>	14 15	A. Me and my subject matter experts. My team of experts that I rely on for certain aspects of the 15:40:47
15 16	<ul><li>Q. The design team at Intuitive?</li><li>A. Yes. 15:36:31</li><li>Q. And this paragraph 49 says that the unique</li></ul>	14 15 16	A. Me and my subject matter experts. My team of experts that I rely on for certain aspects of the 15:40:47 reverse engineering work that we do at IP Enginuity.
15 16 17	<ul> <li>Q. The design team at Intuitive?</li> <li>A. Yes. 15:36:31</li> <li>Q. And this paragraph 49 says that the unique</li> <li>ID doesn't prevent reprocessors from putting lives</li> </ul>	14 15 16 17	A. Me and my subject matter experts. My team of experts that I rely on for certain aspects of the 15:40:47 reverse engineering work that we do at IP Enginuity. Q. If you turn to page 21 of your report.
15 16 17 18	Q. The design team at Intuitive? A. Yes. 15:36:31 Q. And this paragraph 49 says that the unique ID doesn't prevent reprocessors from putting lives back on the instruments, correct?	14 15 16 17 18	A. Me and my subject matter experts. My team of experts that I rely on for certain aspects of the 15:40:47 reverse engineering work that we do at IP Enginuity. Q. If you turn to page 21 of your report. A. Which report?
15 16 17 18 19	Q. The design team at Intuitive?  A. Yes. 15:36:31  Q. And this paragraph 49 says that the unique  ID doesn't prevent reprocessors from putting lives back on the instruments, correct?  A. Yes.  Q. The last sentence says that "the Dallas 15:36:47	14 15 16 17 18 19	A. Me and my subject matter experts. My team of experts that I rely on for certain aspects of the 15:40:47 reverse engineering work that we do at IP Enginuity. Q. If you turn to page 21 of your report. A. Which report? Q. The same one we're on, the Rebotix Report. A. Okay. 15:41:42
15 16 17 18 19 20	Q. The design team at Intuitive? A. Yes. 15:36:31 Q. And this paragraph 49 says that the unique ID doesn't prevent reprocessors from putting lives back on the instruments, correct? A. Yes. Q. The last sentence says that "the Dallas 15:36:47 implementation uses a 'write once' region in the tag	14 15 16 17 18 19 20	A. Me and my subject matter experts. My team of experts that I rely on for certain aspects of the 15:40:47 reverse engineering work that we do at IP Enginuity. Q. If you turn to page 21 of your report. A. Which report? Q. The same one we're on, the Rebotix Report. A. Okay. 15:41:42 Q. Do you see the italicized heading in the
15 16 17 18 19 20 21 22	Q. The design team at Intuitive? A. Yes. 15:36:31 Q. And this paragraph 49 says that the unique ID doesn't prevent reprocessors from putting lives back on the instruments, correct? A. Yes. Q. The last sentence says that "the Dallas 15:36:47 implementation uses a 'write once' region in the tag in ensure decremented lives stay decremented"?	14 15 16 17 18 19 20 21 22	A. Me and my subject matter experts. My team of experts that I rely on for certain aspects of the 15:40:47 reverse engineering work that we do at IP Enginuity. Q. If you turn to page 21 of your report. A. Which report? Q. The same one we're on, the Rebotix Report. A. Okay. 15:41:42 Q. Do you see the italicized heading in the middle of the page with the small Roman numeral iv
15 16 17 18 19 20 21	Q. The design team at Intuitive? A. Yes. 15:36:31 Q. And this paragraph 49 says that the unique ID doesn't prevent reprocessors from putting lives back on the instruments, correct? A. Yes. Q. The last sentence says that "the Dallas 15:36:47 implementation uses a 'write once' region in the tag in ensure decremented lives stay decremented"? A. Correct.	14 15 16 17 18 19 20 21	A. Me and my subject matter experts. My team of experts that I rely on for certain aspects of the 15:40:47 reverse engineering work that we do at IP Enginuity. Q. If you turn to page 21 of your report. A. Which report? Q. The same one we're on, the Rebotix Report. A. Okay. 15:41:42 Q. Do you see the italicized heading in the middle of the page with the small Roman numeral iv before it?
15 16 17 18 19 20 21 22 23 24	Q. The design team at Intuitive?  A. Yes. 15:36:31  Q. And this paragraph 49 says that the unique ID doesn't prevent reprocessors from putting lives back on the instruments, correct?  A. Yes.  Q. The last sentence says that "the Dallas 15:36:47 implementation uses a 'write once' region in the tag in ensure decremented lives stay decremented"?  A. Correct.  Q. So putting the use counter in a	14 15 16 17 18 19 20 21 22 23 24	A. Me and my subject matter experts. My team of experts that I rely on for certain aspects of the 15:40:47 reverse engineering work that we do at IP Enginuity. Q. If you turn to page 21 of your report. A. Which report? Q. The same one we're on, the Rebotix Report. A. Okay. 15:41:42 Q. Do you see the italicized heading in the middle of the page with the small Roman numeral iv before it? A. Yes.
15 16 17 18 19 20 21 22 23	Q. The design team at Intuitive? A. Yes. 15:36:31 Q. And this paragraph 49 says that the unique ID doesn't prevent reprocessors from putting lives back on the instruments, correct? A. Yes. Q. The last sentence says that "the Dallas 15:36:47 implementation uses a 'write once' region in the tag in ensure decremented lives stay decremented"? A. Correct.	14 15 16 17 18 19 20 21 22 23	A. Me and my subject matter experts. My team of experts that I rely on for certain aspects of the 15:40:47 reverse engineering work that we do at IP Enginuity. Q. If you turn to page 21 of your report. A. Which report? Q. The same one we're on, the Rebotix Report. A. Okay. 15:41:42 Q. Do you see the italicized heading in the middle of the page with the small Roman numeral iv before it?

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1 same product line, lines of codes are used and 2 reused. 3 If's unusual for software to be totally new, 4 so there is an advantage that they will have in 5 analyzing these images since they've already done it 6 once for the earlier generation tools. 7 Q. So that's what you're referencing in 8 paragraph 76 when you say: "The similarity between 9 the data extracted from the Xi EndoWrist and prior 10 data analyzed by Rebotix on the S/Si EndoWrist makes 15:45:15 10 THE WITNESS: Sounds good. 15:50:24 11 image analysis a straightforward process"? 12 MR. VAN HOVEN: Objection to form. 13 THE WITNESS: Yes. And familiarity with the 14 software in question is certainly an advantage. It's 15 generally quite helpful. I've had that experience. 15:45:43 16 BY MS. CAHOY: 17 Q. It makes it more straightforward to 18 A. Yes. Often that's true. 19 Q. But also you said here it would make it more 20 straightforward for Rebotix, right? 21 A. Yes, it should. 22 Q. Are you aware that SIS has a damages expert 23 in this case who has submitted a few reports? 24 A. I may have, again, anecdotally heard that 25 there were damage experts that were involved, but 15:46:59  1 Q. Have you ever talked to someone identified 2 D. Have you ever talked to someone identified 2 D. Have you ever talked to someone identified 2 D. Have you ever talked to someone identified 2 D. Have you ever talked to someone identified 2 D. Have you ever talked to someone identified 2 D. Have you ever talked to someone identified 2 D. Have you ever talked to someone identified 3 D. Who wrote your Rebotix Reports? 3 Q. Did you receive input on that report from 4 Rebotix's counsel? 5 A. Ther was certainly some internal review and 15:49:28 6 some feedback on it. 7 MS. CAHOY: If we could take another break 8 now, I think I'm close to done. I just want to look 9 back through and see if I have any questions left. 11 MR. VAN HOVEN: Let's go off the record. 12 THE WITNESS: Sounds good. 15:50:24 11 MR. VAN HOVEN: Let's go off the record. 13 The time is 4:50 p.m. 14 (Recess	_		_	
3 Q. You've never spoken with SIS's damages 4 expert? 5 Q. What's an example of a chip you were 15:42:33 6 referencing as one of the others you have encountered 7 in your career? 8 A. We've encountered thips that were physically 9 rendered very difficult to physically analyze because 10 ef protective materials that had been applied to the 15:43:13 11 chips so that deprocessing the chip was extremely 12 difficult, without destroying the chip, without 13 destroying the information you were looking at. That 14 would be one example. 15 Q. Are there any other examples that you've 15:43:37 16 encountered in your career that you think would be 15:43:37 17 more difficult? 18 A. Ik kind of goes along with what Im 19 mentioning in paragraph 71. 70 and 71 just below. 20 The fact that third parties like Rebotix have 15:43:57 21 familiarity with the embedded software and the data 21 familiarity with the embedded software and the data 22 in the memories of the EndoWrists of the Sil 23 28 fendoWrists certainly gives them a leg up on analyzing 24 the images extracted from the XiX because they've 25 generally similarities within the same company or 2 fixed 24 21 same product line, lines of codes are used and 2 reused. 21 same product line, lines of codes are used and 3 life summand for software to be totally new, 4 so there is an advantage that they will have in 5 analyzing these images since they ve already done it 15:44:56 3 malyzing these images since they ve already done it 15:45:51 3 malyzing these images since they ve already done it 15:45:54 3 malyzing these images since they ve already done it 15:45:54 3 malyzing these images since they ve already done it 15:45:54 3 malyzing these images since they ve already done it 15:45:54 3 malyzing these images since they ve already done it 15:45:54 3 malyzing these images since they ve already done it 15:45:54 3 malyzing these images since they ve already force it 15:45:54 3 malyzing these images since they ve already done it 15:45:54 3 malyzing these images since they ve already	1	A. "Several additional factors make the process	1	I've not seen any of their work or had any
4 expert?  5 Q. What's an example of a chip you were physically rendered very difficult to physically analyze because 10 of protective materials that had been applied to the 15-43:13 10 center?  10 difficult, without destroying the chip, without 12 difficult, without destroying the chip, without 13 destroying the information you were looking at. That 14 would be one example.  15 Q. Are there any other examples that you've 15-43:37 15 Q. What about a hospital called Valley Medical 19 Center? 15-47:53 11 A. No. The not familiar with it.  16 enconnered in your career that you think would be 19 mentioning in paragraph 71, 70 and 71 just below.  17 The fact that third parties like Reboths have 15-43:57 12 familiarity with the embedded software and the data 2 in the memories of the EndoWrists of the S/Si 22 EndoWrists certainly gives them a leg up on analyzing 24 the images extracted from the XXi because they regently similarities within the same company or 25 generally similarities within the same company or 27 the data extracted from the XXi because they regently similarities within the same company or 28 margarph 7 when you say: The similarity between 19 the data extracted from the XXi because they regently similarities within the same company or 28 margarph 7 when you say: The similarity between 19 the data extracted from the XXi because they regently similarities within the same company or 29 may 15 malyzing those images since they've already done in 15-44-56 6 once for the earlier generation tools.  1 same product line, lines of codes are used and 2 reused.  2 same product line, lines of codes are used and 2 reused.  3 life unassail for software to be totally new, 4 to other is an advantage that they will have in 15-44-55 6 once for the earlier generation tools.  4 to there is an advantage that they will have in 15-44-56 6 once for the earlier generation tools.  5 Q. So that's what you're referencing in 15-49-28 for the earlier generation tools.  6 to be a reason of the EndoWrist and prior 15-44-56 6 once for t	2	of Rebotix's image analysis for the Xi EndoWrist	2	communication with them. I don't know who they are.
5 Q. What's an example of a chip you were 15:42:33   5 A. No. 15:47:19   7 Community Hospital?   8 A. I have not.   9 Q. What about a hospital called Larkin   7 Community Hospital?   8 A. I have not.   9 Q. What about a hospital called Valley Medical   15:43:33   10 Center?   15:47:53   10 Center?   10 Center?	3	CryptoRF chip easier than others that I've	3	Q. You've never spoken with SIS's damages
6 Peferencing as one of the others you have encountered 7 in your carner? 8 A. We've encountered chips that were physically 9 rendered very difficult to physically analyze because 10 of protective materials that had been applied to the 15 chips so that deprocessing the chip was extremely 12 difficult, without destroying the chip was extremely 13 destroying the information you were looking at. That 14 would be one example. 15 Q. Are there any other examples that you've 16 encountered in your career that you think would be 17 more difficult? 18 A. I kind of goes along with what I'm 19 mentioning in paragraph 71, 70 and 71 just below. 20 The fact that third parties like Rebotix have 21 familiarity with the embedded software and the data 22 in the memorise of the EadoWrists of the S/Si 23 EndoWrists certainly gives them a leg up on analyzing 24 the images extracted from the XXI because they've 25 generally similarities within the same company or 26 generally similarities within the same company or 27 eussed. 28 If samilarity with the embedded software and and 29 Cassed. 20 So hards what you're referencing in 29 Life words you ever spoken with counsel for those hospitals? 21 A. No. 22 In familiarity with the embedded software and the data 23 In the memorise of the EadoWrists of the S/Si 24 EndoWrists certainly gives them a leg up on analyzing 25 generally similarities within the same company or 26 generally similarities within the same company or 27 page 14 28 some product line, lines of codes are used and 29 cassed with earlier generation tools. 3 It's unasual for software to be totally new, 4 so there is an advantage that they will have in 5 analyzing these images since they's adready done it 5 44-52 6 once for the earlier generation tools. 4 Rebotix's counsel? 5 A. There was certainly some internal review and 5 It will be a province of the province of the some feedback on it. 5 A. Yes, the word was a straightforward process? 5 A. There was certainly some internal review and 6 power of the some feedback on it. 6 S	4	encountered in my career."	4	expert?
7 Community Hospital? 8 A. We've meatered chips that were physically 9 rendered very difficult to physically analyze because 10 of protective materials that had been applied to the 15 destroying the information you were looking at. That 14 would be one example. 15 Q. Are there any other examples that you've 15 (Q. What about a hospital called Valley Medical 16 encountered in your career that you think would be 17 more difficult. Ye and the provided software and the data 18 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 10 The fact that third parties like Rebotix have 15 43:37 16 the memories of the EndoWrists of the S/Si 22 in the memories of the EndoWrists of the S/Si 23 EndoWrists certainly gives them a leg up on analyzing 24 the images extracted from the X/Xi because they've 25 generally similarities within the same company or 26 the images extracted from the X/Xi because they've 27 generally similarities within the same company or 28 same product line, lines of codes are used and 2 reused. 3 It's unusual for software to be totally new, 4 so there is an advantage that they will have in 5 analyzing these images since they've already done it 5 analyzing these images since they've already done it 6 analyzing these images since they've already done it 7 page 14  1 Who wrote your Rebotix Report? 2 A. I wrote it. 3 Did you receive input on that report from 4 Rebotifs x consol? 5 A. There was certainly some internal review and 6 some feedback on it. 6 yes K. A. Ves. (1 have any questions left.) 7 Hill WITNESS: Yes. And familiarity with the 8 paragraph 76 when you say: "The similarity between 9 the data extracted from the Xi EndoWrist and prior 10 data analyzed by Rebotix on the SSI EndoWrist makes 15 45-45.15 15 generally quite helpful. I've had that experience. 15 45-45.21 16 interes and advantage that they will have in 16 40 years and a serience of the record. 17 A. No. 18 A. Ves. (1 have any questions lef	5	Q. What's an example of a chip you were 15:42:33	5	A. No. 15:47:19
8 A. We've encountered chips that were physically 9 rendered very difficult to physically analyze because 10 of protective materials that had been applied to the 15-43:13 11 chips so that deprocessing the chip, without 12 difficult, without destroying the chip, without 12 difficult, without destroying the chip, without 13 destroying the information you were looking at. That 14 would be one example. 15 Q. Are there any other examples that you've 15-33:37 16 encountered in your career that you think would be need in the contented in your career that you think would be need in the firm more difficult? 16 encountered in your career that you think would be need in the firm more difficult? 17 more difficult? 18 A. It kind of goes along with what I'm nemorities of goes along with what I'm nemorities of the Saki Saki Saki Saki Saki Saki Saki Saki	6	referencing as one of the others you have encountered	6	Q. Have you heard of a hospital called Larkin
8 A. We've encountered chips that were physically 9 rendered very difficult to physically analyze because 10 of protective materials that had been applied to the 15-43:13 11 chips so that deprocessing the chip was extremely 12 difficult, without destroying the chip without 13 destroying the information you were looking at. That 14 would be one example. 15 Q. Are there any other examples that you've 15:43:37 16 encountered in your career that you think would be 17 more difficult? 18 A. It kind of goes along with what I'm 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 and 71 just below. 19 mentioning in paragraph 71, 70 an	7	in your career?	7	Community Hospital?
10 of protective materials that had been applied to the 15:43:13   11 chips so that deprocessing the chip was extremely 2 difficult, without destroying the chip, without 13 destroying the information you were looking at. That 14 would be one example.   14 would be one example.   15 Q. Are there any other examples that you've   15:43:37   16 encountered in your career that you think would be   17 more difficult?   18 A. It kind of goes along with what I'm   19 mentioning in paragraph 71, 70 and 71 just below.   20 The fact that third parties like Rebotix have   15:43:57   21 familiarity with the embedded software and the data   22 in the memories of the EndoWrists of the SiS   23 EndoWrists certainly gives them a leg up on analyzing   24 the images extracted from the XXX because they've   25 generally similarities within the same company or   26 generally similarities within the same company or   27 erused.   28 Is unusual for software to be totally new,   4 so there is an advantage that they will have in   3 analyzing these images since they've already done it   4 results and a stracted from the XX EndoWrist makes   5 paragraph 76 when you say: The similarity between   10 data analyzed by Rebotix on the SiS EndoWrist makes   15:45:55   10 THE WITNESS: Yes. And familiarity with the   15 generally quite helpful. I've had that experience.   15:45:45   16 BY MS. CAHOY: If we could take another break   17 none difficult?   18 A. It kind of goes along with what I'm   19 p. But also you said here it would make it more   20 straightforward for Rebotix, right?   21 A. No.   22 Q. An you aware that SIS has a damages expert   23 in the memories of the EndoWrist and the data   24 has a result of the protection of the cartier generation tools.   25 A. There was certainly some internal review and   26 Some feedback on it.   27 A. There was certainly some internal review and   28 paragraph 76 when you say: The similarity between   29 Gardia by the protection to form.   20 Finally in the protection to form.   21 Finally in the	8	A. We've encountered chips that were physically	8	A. I have not.
10 of protective materials that had been applied to the 15:43:13   11 chips so that deprocessing the chip was extremely 2 difficult, without destroying the chip, without 13 destroying the information you were looking at. That 14 would be one example.   14 would be one example.   15 Q. Are there any other examples that you've   15:43:37   16 encountered in your career that you think would be   17 more difficult?   18 A. It kind of goes along with what I'm   19 mentioning in paragraph 71, 70 and 71 just below.   20 The fact that third parties like Rebotix have   15:43:57   21 familiarity with the embedded software and the data   22 in the memories of the EndoWrists of the SiS   23 EndoWrists certainly gives them a leg up on analyzing   24 the images extracted from the XXX because they've   25 generally similarities within the same company or   26 generally similarities within the same company or   27 erused.   28 Is unusual for software to be totally new,   4 so there is an advantage that they will have in   3 analyzing these images since they've already done it   4 results and a stracted from the XX EndoWrist makes   5 paragraph 76 when you say: The similarity between   10 data analyzed by Rebotix on the SiS EndoWrist makes   15:45:55   10 THE WITNESS: Yes. And familiarity with the   15 generally quite helpful. I've had that experience.   15:45:45   16 BY MS. CAHOY: If we could take another break   17 none difficult?   18 A. It kind of goes along with what I'm   19 p. But also you said here it would make it more   20 straightforward for Rebotix, right?   21 A. No.   22 Q. An you aware that SIS has a damages expert   23 in the memories of the EndoWrist and the data   24 has a result of the protection of the cartier generation tools.   25 A. There was certainly some internal review and   26 Some feedback on it.   27 A. There was certainly some internal review and   28 paragraph 76 when you say: The similarity between   29 Gardia by the protection to form.   20 Finally in the protection to form.   21 Finally in the	9	rendered very difficult to physically analyze because	9	Q. What about a hospital called Valley Medical
11 chips so that deprocessing the chip was extremely 12 difficult, without destroying the chip, without 12 difficult, without destroying the chip, without 13 destroying the information you were looking at. That would be one example.  14 would be one example. 15 Q. Are there any other examples that you've 15:43:37 If the more difficult? 15 Q. Are there any other examples that you've 15:43:37 If the more difficult? 17 A. No. I'm not familiar with them. 16 does hospitals? 18 A. It kind of goes along with what I'm 17 A. No. I'm not familiar with them. 19 A. No.	10		10	Center? 15:47:53
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## Case 3:21-cv-03496-AMO Document 230-1 Filed 05/17/24 Page 5 of 5 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1	to you as an expert in this case by the name of Jean	1	DECLARATION
2	Sargeant?	2	
3	A. No.	3	
4	Q. Have you ever talked to someone identified	4	I hereby declare I am the deponent in the within
5	to you as an expert in this case by the name of 16:10:28	5	matter; that I have read the foregoing deposition and
6	Amandeep Mahal?	6	know the contents thereof, and I declare that the
7	A. No.	7	same is true of my knowledge except as to the matters
8	Q. Have you ever talked to someone identified	8	which are therein stated upon my information or
9	to you as an expert in this case by the name of	9	belief, and as to those matters, I believe it to be
10		10	true.
11	A. No.	11	I declare under the penalties of perjury of the
12	Q. Have you ever talked to someone identified	12	state of California that the foregoing is true and
13		13	correct.
14		14	executed on the day of
15	A. No. 16:10:52	15	2023, at, California.
16	Q. Have you ever talked to someone identified	16	
l		17	
17	Parnell?	18	
	A No	19	
19 20		20	
	•		WITNESS
21 22	to you as an expert by the name of Einer Elhauge?  A. No.	21	
		22	
23	MS. CAHOY: That's all the questions I have	23	
24		24 25	
25	I would ask that we designate the transcript 16:11:20 Page 142	23	Page 144
١,	highly and destination of the second	1	I GINA M CLOUD a cortified shorthand
_	highly confidential, attorneys' eyes only until we	1	I, GINA M. CLOUD, a certified shorthand
2	have a chance to review it under the provision of the	2	reporter for the State of California, do hereby
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